

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 09-03-17**

Date Published: March 12, 2009
For Work Week Commencing: March 16, 2009
Commission Meeting: March 17, 2009, 9:00 a.m.

General Introduction *This agenda is the Commission's Utility Division agenda for the work week designated. In the latter part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.*

Place of Meetings *All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.*

Live webcast *Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio and video feed links on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.*

Inquiries *General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.*

Accommodation for Persons with Disabilities *Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.*

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. **Qwest Corporation** **N2009.2.20** **Gary**

On February 23, 2009 Qwest Corporation filed a Petition for Waiver of the Months to Exhaust/Utilization Threshold requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 in CC Docket No. 99-200. A waiver of the FCC's requirements would allow Neustar, the national Pooling Administrator, to provide one new thousand block of numbers to Qwest Corporation in the Belgrade Rate Center in order to satisfy a specific customer request from Qwest Communications Corporation. The FCC rules do allow for a waiver of rules when there is such a specific customer request. This waiver process ("safety valve process") is addressed in FCC 01-362, paragraphs 57-66, which delegates waiver authority to state commissions.

Probable Motion: Move to approve the Qwest Corporation Petition for Waiver in Docket No. N2009.2.20 and instruct the Pooling Administrator to issue an appropriate 1000 number block to Qwest Corporation in the Belgrade Rate Center.

2. **Qwest Corporation** **N2009.2.21** **Gary**

On February 23, 2009 Qwest Corporation filed a Petition for Waiver of the Months to Exhaust/Utilization Threshold requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 in CC Docket No. 99-200. A waiver of the FCC's requirements would allow Neustar, the national Pooling Administrator, to provide one new thousand block of numbers to Qwest Corporation in the Missoula Rate Center in order to satisfy a specific customer request from Missoula Federal Credit Union. The FCC rules do allow for a waiver of rules when there is such a specific customer request. This waiver process ("safety valve process") is addressed in FCC 01-362, paragraphs 57-66, which delegates waiver authority to state commissions.

Probable Motion: Move to approve the Qwest Corporation Petition for Waiver in Docket No. N2009.2.20 and instruct the Pooling Administrator to issue an appropriate 1000 number block to Qwest Corporation in the Missoula Rate Center.

3. **Qwest Corporation** **N2009.2.22** **(Gary)**

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and MidAmerican Energy Holdings Company (MidAmerican). Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from MidAmerican seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent territory. The services being purchased by MidAmerican are available from other competitive carriers in addition to Qwest. **Probable Motion:** Move to approve the Multi-State Agreement between Qwest Corporation and MidAmerican Energy Holding Company in Docket No. N2009.2.22.

4. **Qwest Corporation** **N2009.2.23** **(Gary)**

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Macy's Systems and Technology, Inc. (Macy's). This MSA was originally signed on July 2, 2008. However, Qwest inadvertently failed to file this MSA for Commission approval. Upon recently finding this and two additional MSAs that had not been filed, Qwest did immediately file the three MSAs with this Commission for proper approval. Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from Macy's seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent territory, including Montana. The services being purchased by Macy's are available from other competitive carriers in addition to Qwest. **Probable Motion:** Move to approve the Multi-State Agreement between Qwest Corporation and Macy's Systems and Technology, Inc. in Docket No. N2009.2.23.

5. **Qwest Corporation** **N2009.2.24** **(Gary)**

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Costco Wholesale, Inc. (Costco). This MSA was originally signed on July 2, 2008. However, Qwest inadvertently failed to file this MSA for Commission

approval. Upon recently finding this and two additional MSAs that had not been filed, Qwest did immediately file the three MSAs with this Commission for proper approval. Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from Costco seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent territories. The services being purchased by Costco are available from other competitive carriers in addition to Qwest. **Probable Motion:** Move to approve the Multi-State Agreement between Qwest Corporation and Costco Wholesale, Inc. in Docket No. N2009.2.24.

6. **Qwest Corporation** **N2009.2.25** **(Gary)**

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and UBS AG. This MSA was originally signed on March 24, 2008. However, Qwest inadvertently failed to file this MSA for Commission approval. Upon recently finding this and two additional MSAs that had not been filed, Qwest did immediately file the three MSAs with this Commission for proper approval. Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from UBS AG seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent territory, including Montana. The services being purchased by UBS AG are available from other competitive carriers in addition to Qwest. **Probable Motion:** Move to approve the Multi-State Agreement between Qwest Corporation and UBS AG in Docket No. N2009.2.25.

7. **Qwest Corporation** **N2009.2.26** **(Gary)**

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Liberty Mutual Insurance Company (Liberty). Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from Liberty seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent

territories. The services being purchased by Liberty are available from other competitive carriers in addition to Qwest. **Probable Motion:** Move to approve the Multi-State Agreement between Qwest Corporation and Liberty Mutual Insurance Company in Docket No. N2009.2.26.

8. Sprint N2009.2.27 (Scott)

On February 25, 2009, Sprint requested changes in its Montana P.S.C. Price List No. 1. Sprint requested in this filing: removes check sheets which are no longer required; adds language to FONCARDS stating cards may be cancelled if the card is not used after one year; make miscellaneous corrections; grandfathers Real Solutions and Real Solutions Option A Services; and grandfathers Real; Solutions VPN Services. **Probable Motion:** Approve Sprint's request in Docket N2009.2.27.

9. AT&T N2009.2.28 (Scott)

On February 26, 2009, AT&T filed Tariff Transmittal 2009-04. This filing introduces ABN Premier Bundle. AT &T requests an effective date of March 29, 2009. **Probable Motion:** Approve AT &T's Tariff Transmittal 2009-04 in Docket N2009.2.28.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. D2008.12.140 – Cable & Communications Corporation – Approval of Cost Data Pursuant to FCC Interim Cap Order – Consider CCC's objections to data requests and MCC's objections to responses. (3/17/09)
2. D2008.12.139 – Black Hills Power, Inc. – Consolidated Petition for Certification of an Eligible Renewable Resource and Request for Waivers – Discuss and act on petition. (3/17/09)
3. Placeholder - D2007.7.82 – NWE – Phase II Cost of Service and Rate Design Proceeding – Discuss and act on Motion to Vacate Hearing, Establish a Framework for Voluntary Settlement, and Amend Filing Deadline in Order 6852f. (3/17/09)
4. D2008.12.146 – NWE – NWE's Application for Approval of Avoided Cost Tariff for New Qualifying Facilities – Discuss and act on NWE's motion for a protective order regarding coal cost information. (3/17/09)

5. FERC Docket EL09-20-000 – NorthWestern Corporation and Mountain States Transmission Intertie, LLC – Petitions for Declaratory Orders Related to Approval of Open Season process for their Collector Project and the MSTI Line (From Townsend, MT. to Southern Idaho Connection with Idaho Power) – Consider seeking approval for late-filed intervention request. (3/17/09)
6. Legislative – Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (3/17/09)
7. **3/18/09, 3/19/09, 3/20/09 – 8:30 a.m.** - Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (3/18/09, 3/19/09, 3/20/09) (Commission Conference Room – live web audio feed – not archived)

Other Meetings

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person

wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

Information Items All items identified below are for information only.

New Filings Received in Past Week

N2009.3.29 – Avista Corporation – Motion for Protective Order Related to Schedule 16 of its 2008 Annual Electric Report
D2009.3.30 – NorthWestern Corporation – Petition for Authority to Assume Affiliate Obligations
D2009.3.31 – Qwest Corporation and DSLnet Communications, LLC – Application for Approval of Wireline Interconnection Agreement